



W.P. No. 33454 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04-12-2025

CORAM

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P No. 33454 of 2018

and

W.M.P. No. 38821 of 2018

L. Manigundan

..Petitioner

Vs

- 1.The Superintendent of Police,
District Police Office,
The Nilgiris District,
@ Udhagamandalam.
- 2.The Deputy Inspector General of Police,
Coimbatore Range, Coimbatore – 18.
- 3.The Director General of Police,
Tamil Nadu, Chennai – 600 004.
- 4.The Additional Chief Secretary to Government,
Home (Police VI) Department,
Secretariat, Chennai – 600 009.

..Respondents

Writ petition is filed under Article 226 of Constitution of India, praying



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for issuance of writ of certiorarified mandamus, to call for the records pertaining to the order of the first respondent herein passed in his Na.Ka.No.H1/P.R.45/2014 dated 30.09.2014 imposing a punishment of postponement of next increment for a period of one year which shall operate to postpone future increments and the consequential order passed by the second respondent herein in his C.No.D2/8813/2014, AP.38/2014 dated 10.12.2014 rejecting the appeal petition and the further consequential order passed by the third respondent herein in his Rc.No.015517/AP.1(1)/2015 dated 27.05.2016 rejecting the mercy petition and the further consequential order passed by the fourth respondent herein in G.O.(D) No.641 Home (Police VI) Department, dated 11.06.2018 rejecting the petition, quash the same and consequently direct the respondents herein to grant all the monetary and service benefits withheld due to the punishment.

For Petitioner : Mr. R. Prem Narayan
for Mr. Ravi Shanmugam

For Respondents : Mr. V. Ravi,
Special Government Pleader

ORDER

The captioned writ petition has been filed challenging the order dated 30.09.2014 passed by the first respondent, imposing the punishment



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of postponement of the next increment for a period of one year, with cumulative effect.

2. The petitioner, while working as a Special Sub-Inspector of Police, was issued with a charge memo alleging that he had remained unauthorisedly absent from 18.12.2013 to 18.01.2014. The explanation offered by the petitioner was found to be unsatisfactory and the Enquiry Officer, after conducting an enquiry, submitted a report holding that the charge was proved. The petitioner submitted his explanation to the second show cause notice; however, after considering the enquiry report, the Disciplinary Authority passed an order postponing the next increment for a period of one year with cumulative effect. The order passed by the Disciplinary Authority was confirmed by the Appellate Authority as well as the Revisional Authority. Aggrieved by the same, the present writ petition has been filed.



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3. The learned counsel appearing on either side were heard and the

materials placed on record were perused.

4. Admittedly, the petitioner was granted medical leave from 21.10.2013 to 17.12.2013 for undergoing treatment, as he was suffering from varicose veins. The medical leave was granted after verification of the certificate issued by the competent Medical Officer. In his explanation, the petitioner submitted that his absence from duty during the period from 18.12.2013 to 18.01.2014 was neither wilful nor deliberate, but was due to medical reasons.

5. The Hon'ble Supreme Court, in ***Krushnakant B. Parmar v. Union of India and Another***, reported in ***(2012) 3 SCC 178***, has held that if the absence is the result of compelling circumstances under which it was not possible for the employee to report for duty, such absence cannot be held to be wilful.



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6. In the instant case, the desertion order was issued on 08.01.2014 and the petitioner rejoined duty on 18.01.2014. His absence during the said period was neither wilful nor deliberate, but was due to medical reasons as he was sanctioned medical leave earlier for undergoing treatment..

7. In such circumstances, though the absence for the said period was without sanction, the Disciplinary Authority ought to have taken a liberal view and imposed a lesser punishment. The punishment of postponement of one increment for a period of one year with cumulative effect would adversely affect the petitioner's pension. Therefore, the order of punishment requires modification.

8. Accordingly, the following order is passed:

i) The writ petition is allowed.



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ii) The penalty imposed on the petitioner is modified so that it shall not affect his pension.



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iii) The order dated 30.09.2014 passed by the first respondent in Na.Ka.

No. H1/P.R.45/2014, imposing the punishment of postponement of one increment for a period of one year with cumulative effect, is modified.

iv) The punishment is substituted with postponement of the next increment for a period of one year without cumulative effect.

9. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

04.12.2025

Index : Yes/No

Neutral Citation : Yes/No

AT

To

1.The Superintendent of Police,
District Police Office,
The Nilgiris District,
@ Udhagamandalam.

2.The Deputy Inspector General of Police,

7/10



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HEMANT CHANDANGOUDAR, J.

AT

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